

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-cr-77-T-30TBM

SAMI AMIN AL-ARIAN, *et al.*

ORDER

This cause came on for consideration without oral argument upon Defendant Al-Arian's "Motion for Leave to File a Motion Seeking Discovery of the Government's Submission" (Dkt. # 604). Defendant seeks to discover the evidence the Government submitted in an *ex parte* and *in camera* hearing with the United States District Court in March 2000, related to the tolling of the statute of limitations for certain counts subsequently brought against the Defendant in this action.

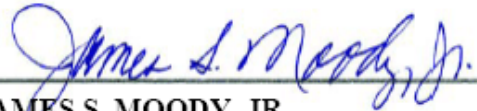
This Court notes that a Superseding Indictment (Dkt. # 636) has been filed since the Defendant filed the Motion before the Court, which no longer contains a significant number of the more dated counts that were included in the original Indictment. Thus, Defendant's Motion, which fails to specifically identify the counts for which the statute of limitations was tolled, appears moot in light of the Superseding Indictment.

It is therefore ORDERED AND ADJUDGED:

1. Defendant Al-Arian's "Motion for Leave to File a Motion Seeking Discovery of the Government's Submission" (Dkt. # 604) is **DENIED without prejudice**. Defendant

is invited to file a new motion to the extent he believes the Superseding Indictment contains counts which relate to the order tolling the statutory limitations, and Defendant is advised to identify specifically such counts in his motion.

DONE and **ORDERED** in Tampa, Florida on October 4, 2004.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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